

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

AUG 17 2022

RAISSA DJUISSI KENGNE, )  
Plaintiff, )

KEVIN P. WEIMER, Clerk  
By: *Race Thompson* Deputy Clerk

) Case No.

v. )

1:22-CV-2297

ID.ME, INC. )

COGENCY GLOBAL INC. )

250 BROWNS HILL CT, )

MIDLOTHIAN, VA, 23114 - 9510, USA )

Defendant. )

**PLAINTIFF'S MOTION TO STAY THE CASE AND BRIEF IN  
SUPPORT**

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TO THE HONORABLE JUDGE OF SAID COURT:

PLAINTIFF, RAISSA DJUISSI KENGNE (“Plaintiff” or “Whistleblower”) files this Motion To Stay The Case And Brief In Support pursuant to 28 U.S. Code § 1441 and 28 U.S. Code § 1447. For the reasons set forth in this instrument, Plaintiff respectfully requests that this Court stay the case.

In order to avoid the potentially unnecessary cost and burden of litigation, Plaintiff moves that this case including their answers be stayed pending a ruling on Plaintiff’s Appeal.

### **PROCEDURAL POSTURE**

Plaintiff Raissa Djuissi Kengne filed the Complaint and the request to proceed IFP on June 6<sup>th</sup>, 2022, (doc. 1).

Judge Catherine M. Salinas issued the first Recommendation and Report (“R&R”) and order denying (Doc.1) Application for Leave to Proceed in forma pauperis.

Plaintiff Raissa Djuissi Kengne filed a Motion for Reconsideration and Response and Objections to the first R&R and Order on July 1<sup>st</sup>, 2022.

Shortly thereafter, Plaintiff Raissa Djuissi Kengne filed a Motion for Appeal on the R&R and Order of Judge Catherine M. Salinas on July 5<sup>th</sup>, 2022.

On August 5<sup>th</sup>, 2022, Judge Catherine M. Salinas issued the following report and recommendation and order, which was the second R&R and order on this case:

- Ordered that Plaintiff's application to proceed IFP be denied.
- Recommended that Plaintiff's complaint be dismissed without prejudice.
- Directed to terminate the submission and/or reference.

On August 17<sup>th</sup>, 2022, Plaintiff Raissa Djuissi Kengne filed a Response and Objections to (Docs. 7, 8) the second Report and Recommendation and objected to the R&R and order being adopted to the extent it recommends that 1) Plaintiff's application to proceed IFP be denied, 2) Plaintiff's complaint be dismissed without prejudice for lack of subject matter jurisdiction and for failure to comply with a lawful order of the Court.

Plaintiff Raissa Djuissi Kengne filed a Notice of Appeal of the Court's R&R and order on August 17<sup>th</sup>, 2022.

Plaintiff Raissa Djuissi Kengne now seeks to stay the case pending the outcome of the appeal.

## **ARGUMENT AND CITATION OF AUTHORITY**

The Supreme Court has explained that "a federal district court and a federal

court of appeals should not attempt to assert jurisdiction over a case simultaneously. The filing of a notice of appeal is an event of jurisdictional significance -- it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58, 103 S. Ct. 400, 401, 74 L. Ed. 2d 225 (1982).

As the Eleventh Circuit has explained, once a notice of appeal has been filed, the "district court retains only the authority to act in aid of the appeal, to correct clerical mistakes, or to aid in the execution of a judgment that has not been superseded." *Showtime/The Movie Channel, Inc. v. Covered Bridge Condominium Ass'n, Inc.*, 895 F.2d 711, 713 (11th Cir. 1990).

Moreover, Rule 26(d) of the Federal Rules of Civil Procedure provides the Court broad discretion to alter the sequence of discovery "for the convenience of the parties . . . and in the interests of justice." Fed. R. Civ. P. 26(d).

Further, federal courts routinely exercise their power to stay a proceeding where a stay would promote judicial economy and efficiency. See, e.g., *Miccosukee Tribe of Indians of Fla. v. S. Fla. Water Mgmt. Dist.*, 559 F.3d 1191, 1198 (11th Cir. 2009) (approving district court's decision to stay case pending appeal in another case that was "likely to have a substantial or controlling effect on the claims and issues in the stayed case"). As any decision from the Court of Appeals will have profound

impact on the development of this case and because it is in the interests of efficiency and justice, this Court should exercise its discretion this case and relieve the parties from having to exert additional resources pending a ruling on Plaintiff's appeal.

This case does not involve novel questions related to the constitutionality of a state statute. As part of the review related to the appeal, the Circuit Court of Appeals will necessarily be required to examine the viability of Plaintiff's claims. As such the issues on appeal bear directly on the further adjudication of this case before this Court.

The issues in the pending appeal mirror the issues remaining in this court and Plaintiff believes that in the interest of judicial economy, and a desire to conserve the resources of the parties that a stay of the case is warranted.

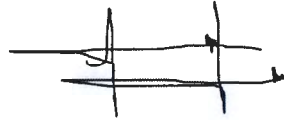
### **CONCLUSION**

For these reasons, Plaintiff respectfully requests that the Court stay this matter until the appeal is adjudicated.

(Signature page follows)

Dated: August 17<sup>th</sup>, 2022

Respectfully submitted,



Raissa Djuissi Kengne  
Pro Se

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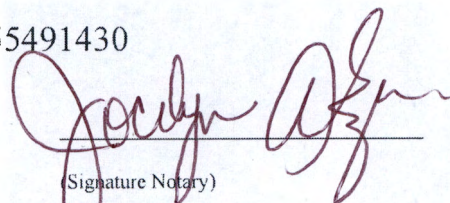
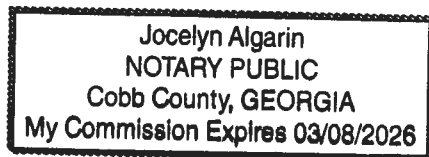
State of Georgia  
County of Fulton

This instrument was acknowledged before me this 17<sup>th</sup> day of August (month), 2022 (year), by Raissa Djuissi Kengne (name of signer).

☒ Personally Known  
☐ Produced Identification

Type and # of ID - Driver's License # 055491430

(Seal)



(Signature Notary)

Jocelyn Algarin

Name of Notary Typed, Stamped or Printed

Notary Public, State of Georgia

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 17<sup>th</sup>, 2022, all counsel of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document using the Court's CM/ECF system, in compliance with Local Rules, by mailing the same, certified mail with return receipt, to the address listed below.

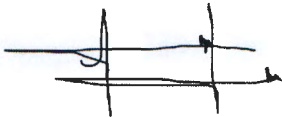
ID.ME, INC.

COGENCY GLOBAL INC.

250 BROWNS HILL CT,

MIDLOTHIAN, VA, 23114 - 9510, USA

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Raissa Djuissi Kengne', written over a light blue horizontal line.

Raissa Djuissi Kengne

Pro Se

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